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November 14, 2005

**FACSIMILE MESSAGE – COVER SHEET**

To: United States Patent and Trademark Office  
(Examiner Javid A. Amini)

Fax number: 571.273.8300

No. of pages: 6 (including cover sheet)

Your Ref: 10/701,470  
Filing Date: October 30, 2003

From: Paul F. Rusyn

Our Ref: 200314087-1 (1964-56-3)

Re: Rule 131 Declaration

**MESSAGE:**

Please see the attached Declaration under Rule 131 relating to the above-identified application. Please do not hesitate to contact me at (425) 455-5575 if you have any questions.

Sincerely,

Paul F. Rusyn

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**CONFIDENTIALITY NOTICE:** This facsimile communication contains confidential and/or privileged information which is intended for use only by the recipient named above. If you received this communication in error, please call us, collect, to arrange for its return at our expense. Any copying, disclosure, or dissemination of this communication is prohibited.

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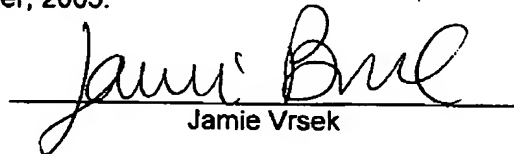
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: James H. VanGilder  
Title: TELECOMMUNICATIONS GRAPHICAL SERVICE PROGRAM  
Serial No.: 10/701,470  
Filing Date: October 30, 2003  
Attorney Docket: 200314087-1 (1964-56-3)

**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

Date of facsimile transmission: November 14, 2005

I hereby certify that this correspondence is being transmitted via facsimile to Fax number 571-273-8300 to Examiner Javid A. Amini, Examining Unit 2672 on the date indicated below and is addressed to the Commissioner for Patents on this 14th day of November, 2005.

  
Jamie Vrsek

**TRANSMITTAL LETTER**

November 14, 2005

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To The Commissioner For Patents and Trademarks:

Attached is a signed copy of the Declaration that accompanied an Amendment filed on November 9, 2005 in the above-identified application. The response was filed via first class mail, therefore, please wait until you receive the Amendment to consider

the Declaration. The Examiner is requested to contact the undersigned at the number listed below for a telephone interview if he has any questions or comments regarding this application.

Respectfully submitted

GRAYBEAL JACKSON HALEY LLP

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Enclosures:

Rule 131 Declaration

200314087-1 (1964-56-3)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** James H. VanGilder  
**Title:** TELECOMMUNICATIONS GRAPHICAL SERVICE PROGRAM  
**Serial No.:** 10/701,470  
**Filing Date:** October 30, 2003  
**Attorney Docket:** 200314087-1 (1964-56-3)

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES PURSUANT TO 37  
C.F.R. § 1.131 TO OVERCOME A CITED PUBLISHED U.S. PATENT APPLICATION**

**TO THE COMMISSIONER FOR PATENTS:**

This Declaration establishes completion of the invention in the United States on a date before 3 January 2002, which is the filing date of U.S. Patent Application Publication 2003/0126584 A1 to Creamer *et. al.*

200314087-1 (1964-56-3)

I, James H. VanGilder, hereby declare the following:

- 1) I am the sole inventor of the invention described and claimed in U.S. Patent Application Serial No. 10/701,470 ("470 application"), which was filed on October 30, 2003. Before 03 January 2002, I had conceived of and reduced to practice a telecommunications graphical service program in the United States. Specifically, I had conceived of and reduced to practice a telecommunications graphical service program that had the features of claims 1-20 as originally filed.
- 2) This telecommunications graphical service program, which I had conceived of and reduced to practice before 03 January 2002, included a method in a graphical user interface for a computer displaying objects for designing a service graph using a plurality of service independent building blocks as shown and described in the '470 application. The method includes displaying a canvas object, displaying a toolbar object, displaying a menu object, and displaying a working folder tabs object that displays in one mode service independent building blocks that may be placed onto the canvas to design a service graph. Attached Exhibit 1 is a User's Guide of the telecommunications graphical service program showing in Figures 4-1 and 5-1, for example, display shots showing each of the elements recited in independent claims 1, 10, and 15. The User's Guide of Exhibit 1 was prepared prior to 03 January 2002.
- 3) "Reduction to practice" as used herein means designing the telecommunications graphical service program, including drafting on paper or through computer programming the components and methods of such program and interconnections and functionality of such components.
- 4) Exhibit 1 is a copy of pages that were generated before 03 January 2002 and includes descriptions and figures showing example screen shots of an embodiment of the invention described in '470 application. Exhibit 1 includes Figure 4-1 on page 4-1, which is a screen shot showing the canvas object, toolbar object, menu object, and working folder tabs object recited in independent claims 1, 10, and 15 according to one embodiment of the invention disclosed in the '470 application. The working folder tabs object on the left side of

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Figure 4-1 displays in one mode service independent building blocks that may be placed onto the canvas object—to the right of the working folder tabs object—to design a service graph. Exhibit 1 shows each and every element of claims 1, 10 and 15 as originally filed.

5) Pursuant to MPEP § 715.09, I am seasonably submitting this Declaration before receiving a final rejection of the patent '470 application.

6) I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like, if so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

James H. VanGilder  
Full Name of Inventor

United States of America  
Citizenship

127 Shawnee Drive, Lake Kiowa, TX 76240  
Residence

  
Inventor's Signature

November 11, 2005  
Date